

ZB# 97-1

Janine Tarsio

78-11-2

Prelim.

Jan. 13, 1997

Copy of deed &

Title Report &

Photos &

Fees: ① 50.00 + PA

② 300.00 + 4 Pl.

Notice to Quit 1/14/97 - better (money order)
sent 3/1/97.

Public Hearing:

April 14, 1997.

Standard

Area

Refund: \$184.50

#97-1 - Tarsio, Janine

(area)

(78-11-2)

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12553

General Receipt

10172

March 5

19 97

Received from

Janine R. Tarsio

\$ 50.00

DOLLARS

For

Zoning Board Fee #97-1

DISTRIBUTION:

FUND	CODE	AMOUNT
Misc Order		\$50.00
65968703954		

By

Dorothy N. Harwin

Town Clerk

TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Tarsio, Janine

FILE # 97-1

RESIDENTIAL: \$ 50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 50.00

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 1/13/97 - 6 page . . . \$ 27.00
2ND PRELIM. MEETING - PER PAGE 4/14/97 - 3 " . . . \$ 13.50
3RD PRELIM. MEETING - PER PAGE . . . \$ _____
PUBLIC HEARING - PER PAGE . . . \$ _____
PUBLIC HEARING (CONT'D) PER PAGE . . . \$ _____
TOTAL \$ 40.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: . . . 1/13/97 \$ 35.00
2ND PRELIM. 4/14/97 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

TOTAL \$ 115.50

LESS ESCROW DEPOSIT . . . \$ 300.00
(ADDL. CHARGES DUE) . . . \$ _____
REFUND DUE TO APPLICANT . . \$ 184.50

(ZBA DISK#7-012192.FEE)

Date 7/30....., 1977....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO WINE JURIST DR.

canine Tarsio

216 Dairy Lane

New Windsor, N.Y. 12553

Charge: 2BA

[illegible]

UNITED STATES POSTAL MONEY ORDER			
65968703954 970306 125006 **50*00			
SERIAL NUMBER	YEAR, MONTH, DAY	POST OFFICE	U.S. DOLLARS AND CENTS
PAY TO	CHECK WRITER IMPRINT AREA		
ADDRESS	FROM		
	ADDRESS		
COD NO. OR USED FOR			
2BA#97-1		NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS	
100000080021		65968703954	

UNITED STATES POSTAL MONEY ORDER			
65968703943 970306 125006 *300*00			
SERIAL NUMBER	YEAR, MONTH, DAY	POST OFFICE	U.S. DOLLARS AND CENTS
PAY TO	CHECK WRITER IMPRINT AREA		
ADDRESS	FROM		
	ADDRESS		
COD NO. OR USED FOR			
2BA#97-1		NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS	
100000080021		65968703943	

In the Matter of the Application of

JANINE TARSIO

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#97-1.

WHEREAS, JANINE TARSIO, 217 Dairy Lane, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 22 ft. rear yard variance for an existing 20 ft. x 36 ft. pool deck located at the above residence in a CL-1 zone; and

WHEREAS, a public hearing was held on the 14th day of April, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board on her own behalf for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a one family home located in a neighborhood of one family homes.

(b) The deck has been in place for four or five years and there have been no complaints.

(c) It would be economically infeasible to move the deck to comply with the Zoning Local Law.

(d) The requested variance is that which would be sufficient if granted to allow the existing deck to remain in place.

(e) The deck interferes with no course of drainage nor does it cause ponding or accumulation of water.

(f) There are other similar decks and pools adjacent to other houses in the neighborhood.

(g) A review of the photographs and the property shows that the deck does not interfere with any sight lines or create any other hazard.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

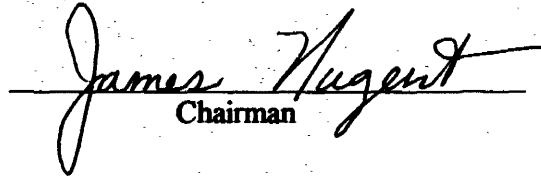
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 22 ft. rear yard variance for an existing 20 ft. x 36 ft. pool deck located at the above-referenced property in a CL-1 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 23, 1997.


Chairman

Date 4/14/97, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

to Frances Roth 168 N. Drury Lane DR.
Newburgh, NY 12550

iB		CLAIMED	ALLOWED
#17	Zoning Board Meeting	75 00	
	Misc - 3		
	Santillo - 3		
	Tarsio - 3 13.50		
	Petro Metals - 4		
	Lo Martere - 3		
	Marfe - 2		
	Lanthier - 2		
	Dietz - 3		
	<u>23 pgs</u>	<u>103 50</u>	
	<i>James V. Nigro</i>	178 50	

PUBLIC HEARINGS:

TARSIO, JANINE

MR. NUGENT: Request for 22 ft. rear yard variance for existing pool deck at 216 Dairy Lane in CL-1 zone. Is there anyone in the audience for the Janine Tarsio application, other than the applicant? Let the record show that there is no one in the audience.

Ms. Janine Tarsio appeared before the board for this proposal.

MR. NUGENT: You're on, tell us what you want to do, I know it's a repeat of what you said already.

MS. TARSIO: Okay, I'm requesting a variance of 22 feet for the back of my deck.

MR. NUGENT: This deck surrounds the pool?

MS. TARSIO: Yes.

MR. NUGENT: Bear with us just a minute until we look at the pictures.

MR. TORLEY: Economically infeasible for you to move the pool and deck?

MS. TARSIO: Excuse me?

MR. TORLEY: It would be unfeasible or uneconomical for you to move the deck?

MS. TARSIO: Yes.

MR. TORLEY: For the record I'm asking you.

MS. BARNHART: Do you want to see the pictures then you can see.

MR. TORLEY: This is not causing any drainage problems with your neighbors?

MS. TARSIO: No.

MR. REIS: How long has the deck been there?

MS. TARSIO: About four years, four or five years.

MR. REIS: Have you had any complaints from your neighbors because of it?

MS. TARSIO: No.

MR. NUGENT: I guess you can't have too many problems there's nobody here.

MS. TARSIO: Out of 63 people.

MS. BARNHART: I have 55 here, for the record, I have an affidavit of service by mail stating that I sent out on March 19, 1997, 55 addressed envelopes containing the public notice to adjacent property owners within 500 feet.

MR. TORLEY: Do other people in your neighborhood have pools and decks of a similar type, not identical but similar?

MS. TARSIO: Yes.

MR. TORLEY: Again, this is for the record in your opinion this creates no additional safety hazards in the neighborhood?

MS. TARSIO: No.

MR. NUGENT: Are there any further questions?

MR. REIS: Accept a motion?

MR. NUGENT: Yes.

MR. REIS: Make a motion that we accept Miss Tarsio's request for 22 foot rear yard variance for deck at 216 Dairy Lane.

MS. OWEN: I second it.

April 14, 1997

7

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Prelim.
Jan. 13, 1997
97-1

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: DECEMBER 2, 1996

APPLICANT: JANINE TARSIO
216 DAIRY LANE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: DECEMBER 2, 1996
FOR (BUILDING PERMIT): OF EXISTING POOL DECK
LOCATED AT: 216 DAIRY LANE

ZONE: CL

DESCRIPTION OF EXISTING SITE: SECTION: 78, BLOCK: 11, LOT: 2

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. EXISTING 20FT. X 36FT. POOL DECK EXCEEDS MINIMUM REAR YARD SET BACK.


BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: CL USE 6		
REQ'D REAR YD. 40FT.	18FT.	22FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Janine R. Tarsio

Address 216 Dairy Lane Phone 561-4685

Mailing Address 216 Dairy Lane, New Windsor, New York 12553

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer. _____

FOR OFFICE USE ONLY

Building Permit # _____

1. On what street is property located? On the N side of Dairy Lane
(N, S, E or W)
and approx 125 feet from the intersection of Dairy and Gurnsey
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N ☒
3. Tax Map Description: Section 78 Block 11 Lot 2
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐
6. Is this a corner lot? NO **EXISTING 20x36 pool-deck**
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee **\$50**
(To be Paid on this Application)
11. School District Newburgh

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

SUBDIVISION

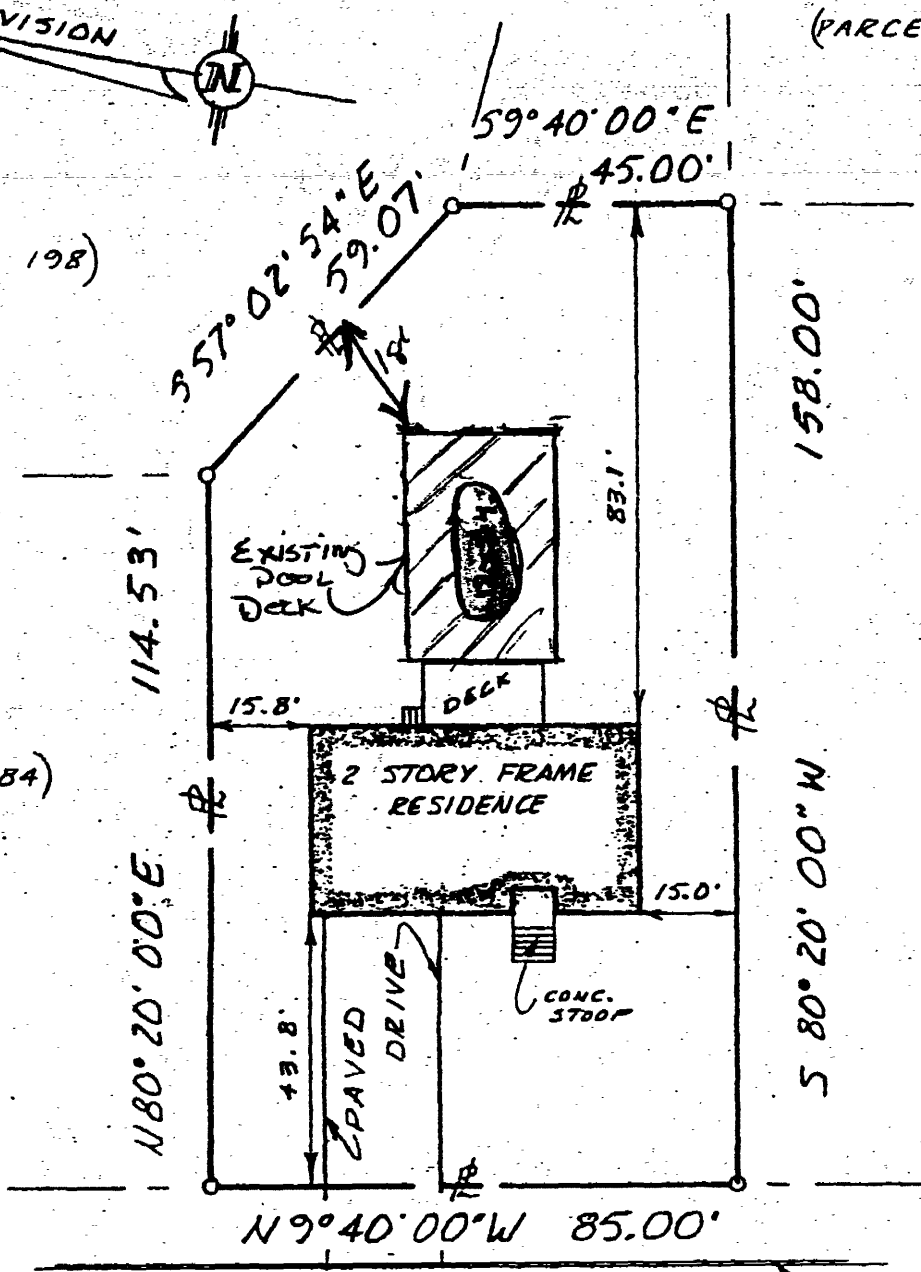
(PARCEL 198.1)

(PARCEL 186.1)

(LOT 198)

(LOT 186)

(LOT 184)



CERTIFICATION.

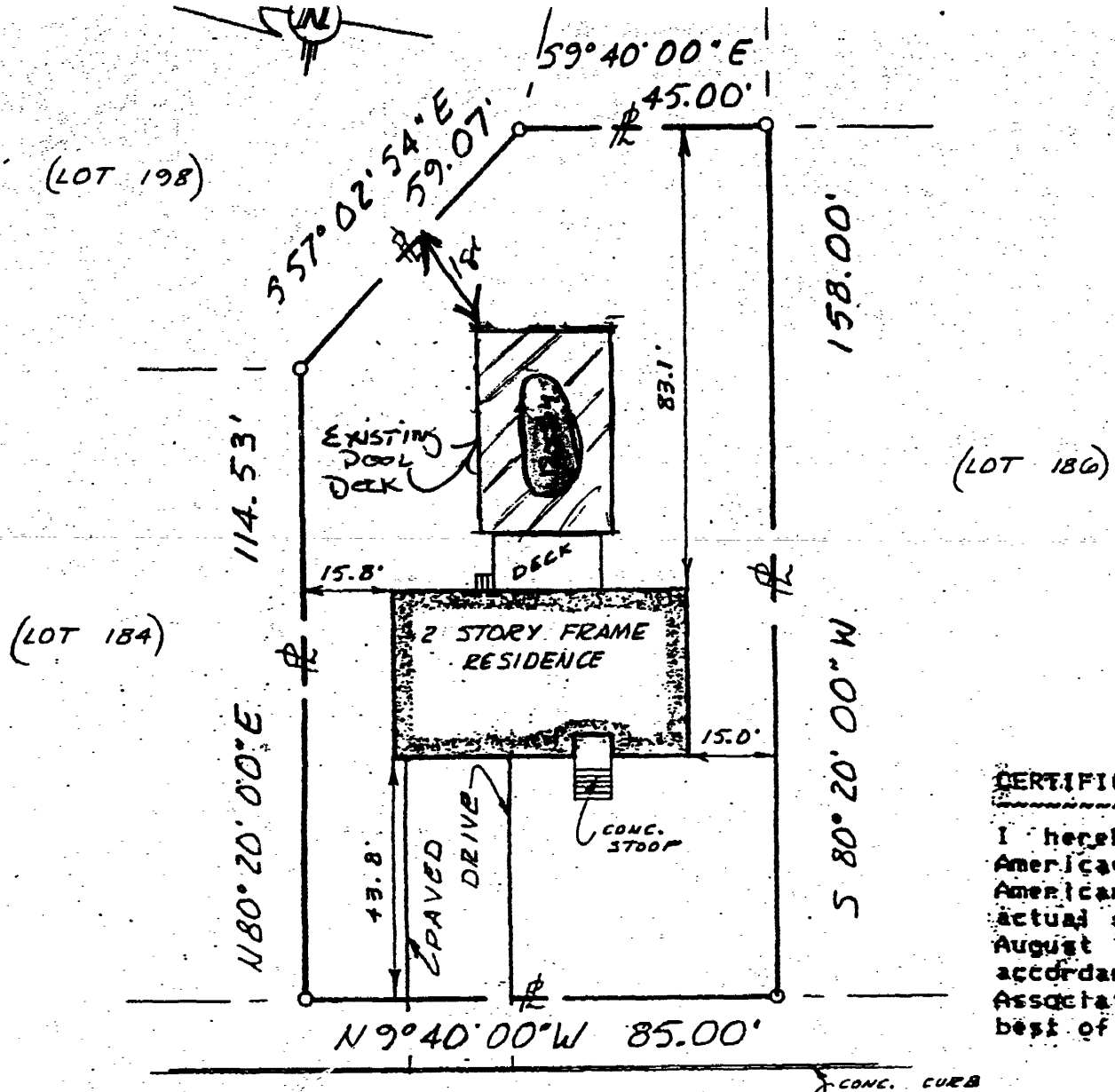
I hereby certify that the above is a true and correct copy of the actual field survey made by me on August 1986 and in accordance with the Association of Professional Surveyors of the State of California.

CONC. CURB

DAIRY LANE
(FORMERLY GUERNSEY LANE)

1" = 30'

20' ↑ ↑

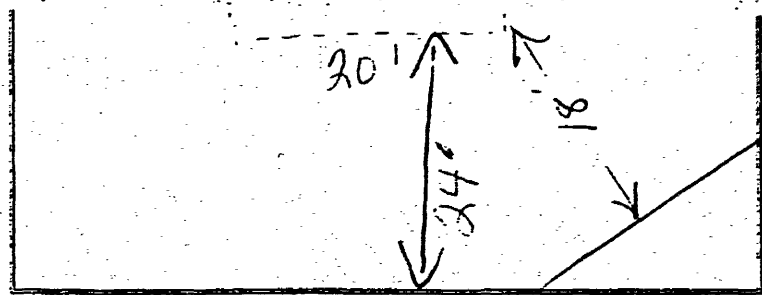


CERTIFICATION.

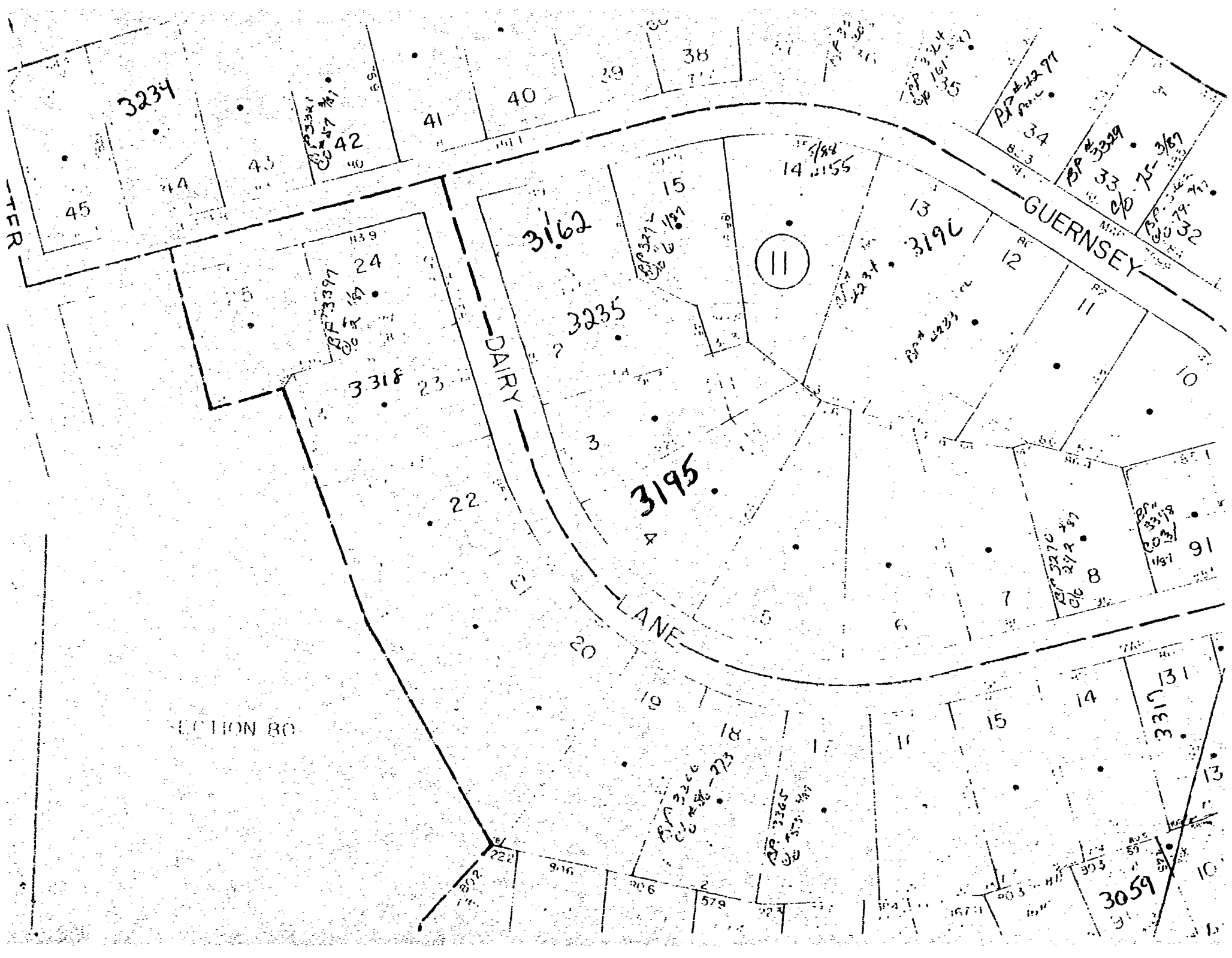
I hereby certify that the above is a true and correct copy of the actual field survey made by me on August 1986 and in accordance with the rules and regulations of the Association of Professional Surveyors of the State of New York.

DAIRY LANE
(FORMERLY GUERNSEY LANE)

1" = 30'



S



3234

40

41

42

45

44

43

42

24

3318

23

22

3162

3235

15

14

11

3196

GUERNSEY

11

10

3195

LANE

20

19

18

17

16

15

14

13

12

10

SECTION 80

3059

13

12

10

Pls. publish on or before 4/3/97. Send bill to Tarsio at below address

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 1

Request of Janine Tarsio

for a VARIANCE of the Zoning Local Law to permit:

existing pool deck w/ insufficient rear yard;

being a VARIANCE of Section 48-12 - Table of Use/
Bulk Regs. - Col. G

for property situated as follows:

216 Dairy Lane, New Windsor, N.Y.

known as tax lot Section 78 Block 11 Lot 2.

SAID HEARING will take place on the 14th day of April,
1997, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent
Chairman

By: Patricia A. Barnhart, Secy.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----x
In the Matter of Application for Variance of

Janine Tarsio

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#97-1.

-----x
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On March 19, 1997, I compared the 55 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
19th day of March, 1997.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984066
Commission Expires July 15, 1997

(TA DOCDISK#7-030586.AOS)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

55

January 27, 1997

Janine R. Tarsio
216 Dairy Lane
New Windsor, NY 12553

Re: Tax Map Parcel # 78-11-2

Dear Ms. Tarsio:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's office.

Sincerely,

Leslie Cook (CMO)

LESLIE COOK
Sole Assessor

/cmo

~~cc: TFC Barnard, TBA~~

Torres, Damaso Damien & Elizabeth
22 Guernsey Drive
New Windsor, NY 12553

McLaughlin, Richard P.
24 Guernsey Drive
New Windsor, NY 12553

Robillard, Mark & Mary Ellen
26 Guernsey Drive
New Windsor, NY 12553

Norman, Herbert L & Hartencia N.
28 Guernsey Drive
New Windsor, NY 12553

Houser, Louis E. & Barbara
30 Guernsey Drive
New Windsor, NY 12553

GE Capital Mortgage Services Inc
2000 West Loop South
Suite 130
Houston, TX 77027

Docheff, Dennis & Keri
34 Guernsey Drive
New Windsor, NY 12553

D'Alo, Joseph E. & Joyce M.
36 Guernsey Drive
New Windsor, NY 12553

Lucas, David W.
38 Guernsey Drive
New Windsor, NY 12553

Sawoska, Henry & Louise
40 Guernsey Drive
New Windsor, NY 12553

Koster, Patricia Lynn
42 Guernsey Drive
New Windsor, NY 12553

Fallacaro, Tara L. & Patrick J.
44 Guernsey Drive
New Windsor, NY 12553

Ragni, Jeffrey E.
46 Guernsey Drive
New Windsor, NY 12553

Mendillo, Michael & Wanda
48 Guernsey Drive
New Windsor, NY 12553

Hughley, Freeman & Vanley
50 Guernsey Drive
New Windsor, NY 12553

Perez, David Anthony &
Zapata, Lourdes
200 Butterhill Drive
New Windsor, NY 12553

Arce, Joseph & Milagros
322 Butternut Drive
New Windsor, NY 12553

Rosteck, Jan & Angelina
320 Butternut Drive
New Windsor, NY 12553

Tormey, Joanne &
Costa Jr., Vincent J.
318 Butternut Drive
New Windsor, NY 12553

Davitt, James K. & Dolores
316 Butternut Drive
New Windsor, NY 12553

Federal National Mortgage Assoc.
518 Walnut Street
Philadelphia, PA 19106

Lenna, Douglas F. & Norma S.
203 Dairy Lane
New Windsor, NY 12553

Ciafardini, Warren V. & Adrianne
205 Dairy Lane
New Windsor, NY 12553

DiLeo, Joseph & Eileen
207 Dairy Lane
New Windsor, NY 12553

Campbell, Mark I. & Ann W.
209 Dairy Lane
New Windsor, NY 12553

Roth, Christopher S. & Georgette D.
211 Dairy Lane
New Windsor, NY 12553

Walsh, John P. & Lisa A.
213 Dairy Lane
New Windsor, NY 12553

Walker, Gerard J. & Cheryl
215 Dairy Lane
New Windsor, NY 12553

Vinci, Bernadette &
Moore, Cindy
217 Dairy Lane
New Windsor, NY 12553

Busweiler, Michael T. & Maureen A.
219 Dairy Lane
New Windsor, NY 12553

Smith, Robert & Peggy
221 Dairy Lane
New Windsor, NY 12553

McCormack, Raymond & Laura
223 Dairy Lane
New Windsor, NY 12553

Moo, Albert & Marion
25 Guernsey Drive
New Windsor, NY 12553

Radich, Steven G. &
Byrne, Diane M.
27 Guernsey Drive
New Windsor, NY 12553

Martens, Jon B. & Betsy V.
23 Guernsey Drive
New Windsor, NY 12553

Olivier, Yvon & Yolene Monchais
214 Dairy Lane
New Windsor, NY 12553

Smith, James B. & Susan J.
212 Dairy Lane
New Windsor, NY 12553

Marinelli, Michael G. & Lisa A.
210 Dairy Lane
New Windsor, NY 12553

Lopez, Victor A. & Milagros
208 Dairy Lane
New Windsor, NY 12553

Kipp, Edward C.
206 Dairy Lane
New Windsor, NY 12553

Friezo, Matthew J. & Julia
204 Dairy Lane
New Windsor, NY 12553

Paliotta, Armando & Jean
9 Guernsey Drive
New Windsor, NY 12553

Fritzl, Karl & Mary X
11 Guernsey Drive
New Windsor, NY 12553

Maccharulo, Carlo & Tina X
13 Guernsey Drive
New Windsor, NY 12553

Spanakos, Michael & Maureen
15 Guernsey Drive X
New Windsor, NY 12553

Krolikiewicz, Eugene & Karen A.
17 Guernsey Drive X
New Windsor, NY 12553

Winderbaum, David & Janet
19 Guernsey Drive X
New Windsor, NY 12553

Curry, Kenneth J. & Susan X
21 Guernsey Drive
New Windsor, NY 12553

Suraci, James D. &
Olivieri, Jeannie X
202 Butterhill Drive
New Windsor, NY 12553

Stukonis, Peter C. &
Elstob, Margaret M. X
204 Butterhill Drive
New Windsor, NY 12553

Gutshall, Roy B. & Cynthia J.
705 Mara Drive X
Blue Bell, PA 19422

Devita, Cynthia J. &
Dillon, Thomas J. X
208 Butterhill Drive
New Windsor, NY 12553

Gallo, Joseph R. & Martha H.
210 Butterhill Drive X
New Windsor, NY 12553

Fox, John P.
212 Butterhill Drive X
New Windsor, NY 12553

Guido, John F. &
Hynes, Leslie C. X
2 Park Place, Apt. #1B
Newburgh, NY 12550

Bigi, Donald & Donna J. X
216 Butterhill Drive
New Windsor, NY 12553

Albaugh, Teresa X
201 Butterhill Drive
New Windsor, NY 12553

Mullin, Maureen & X
Scheck, Alan D.
213 Butterhill Road
New Windsor, NY 12553

Weber, John T. X
211 Butterhill Drive
New Windsor, NY 12553

Mundy, Peter & Joan X
209 Butterhill Drive
New Windsor, NY 12553

Busija, Michael J. & Leonia X
207 Butterhill Drive
New Windsor, NY 12553

Gafford, James & Dorothy X
PO Box 4754
New Windsor, NY 12553

Pospisil, Michael & Karen X
167 S. Harrison Ave.
Congers, NY 10920

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

97-1

Date: 3/5/97

I. ✓ Applicant Information:

- (a) Janine R. Tarsio, 216 Dairy Lane, (914) 561-4685
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) CL 216 Dairy Lane 78, 11, 2
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1-30-87
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

^{N/A}
(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) ^{N/A} Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No _____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 ft.</u>	<u>18 ft.</u>	<u>22 ft.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

(1) No undesirable change will be produced and they are detrimental to the neighborhood (2) There is no other method (3) The requested area variance is substantial (4) It will have no adverse effects or impact on the physical or environmental conditions in the neighborhood or district (5) The difficulty was self-created.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

This deck does not interfere with any drainage, signs or utilities. There were no trees cut down to build this deck.

✓ IX. Attachments required:

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓ Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- ✓ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: April 14, 1997

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X Janine R. Larcio
(Applicant)

Sworn to before me this

5th day of March, 1997.

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1997

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Date 1/26/97, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553to Frances Roth 147 Sycamore Drive DR.
~~New Windsor~~ NY 12553

		CLAIMED		ALLOWED	
197	Planning Board Mtg.	75	00		
	Misc - 3				
	Tarsia - 6 \$27.00				
	Arnoia - 13				
	L & M - 4				
	Andrews - 3				
	Nucifore - 2				
	Prudenti - 4				
	35 pgs				
		157	50		
		232	50		

January 13, 1997

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PRELIMINARY MEETING:

TARSIO, JANINE

MR. NUGENT: Request for 22 ft. rear yard variance for existing pool deck at 216 Dairy Lane in CL zone.

Ms. Janine Tarsio appeared before the board for this proposal.

MR. KANE: Just tell us what you want to do.

MS. TARSIO: Well, I need a variance for 18 feet for the deck in my back yard.

MR. NUGENT: You have 18?

MS. TARSIO: No, I need a variance for 18 feet, I guess.

MR. NUGENT: I have got 22 on here.

MS. TARSIO: I'm sorry, you're right.

MR. KANE: You have 18 and you need 22.

MS. TARSIO: Right, yes, 22, I'm sorry.

MR. KANE: How far is it from the back of your back property line directly to the back of your house, do you know what it is on that?

MS. TARSIO: It's 18 feet. You mean from the end of the deck to the property line?

MR. NUGENT: Was one of the decks put on the house when it was built?

MR. BABCOCK: The deck itself, I don't know whether you have a map, there's a small deck that I assume was built with the house and then this deck was built around the pool.

MR. TORLEY: Does this deck actually join the old deck?

MS. TARSIO: Yes.

MR. BABCOCK: See that is the problem since it's attached, this deck I assume was there with the original house?

MR. NUGENT: He's got that crazy line.

MR. REIS: Did you erect the deck?

MS. TARSIO: Yes, I had the deck built, yes.

MR. REIS: How long ago was that?

MS. TARSIO: About six years ago.

MR. REIS: And you're selling your property now, that is what brings you here before us?

MS. TARSIO: Yeah.

MR. KANE: In building the deck, did you cut any trees down, change the land in any way to create any water hazards or any environmental hazards?

MS. TARSIO: No.

MR. KANE: When we set you up for a public hearing, it will be very good to bring in some pictures so we can see how the pool lies in that area. Do other homes in that area have a similar situation with their pools.

MR. TORLEY: Other people have pools?

MS. TARSIO: Lot of people have pools.

MR. TORLEY: Does it looks like those pools are 40 feet from the back?

MS. TARSIO: See it's hard to say where I am because my house it goes around in a circle and there's like land in the middle so it's supposed to be like some kind of community land or something and people, fences are all over the place a green area, so I know, and the next door neighbor, we don't have a part of that or

whatever.

MR. TORLEY: So this lot here is part of the green area or is that another house on this as you go back from your--

MS. TARSIO: No, it would be towards the right, yeah, that way, yeah, that is the green area.

MR. KANE: How is the new deck attached to your old deck?

MS. TARSIO: There's two steps up from the old deck, from the deck attached to the house there's two steps.

MR. KANE: Michael, if it wasn't attached to the old deck, the 12 foot line would it be in play right here?

MR. BABCOCK: That is correct, but what we have come to the conclusion as far as being attached and non-attached, you'd have to exit the house deck on to the ground.

MR. KANE: You'd have to put a separate set of stairs.

MR. BABCOCK: Right and back up on to the other deck.

MR. REIS: Other than the sight distance and structurally, is it compatible to our code?

MR. KANE: Was there a permit on it?

MR. BABCOCK: No, that is what she's applied for and we have denied it based on that, I don't know if Frank has been there to inspect it or not. Has anybody been there to inspect the step?

MS. TARSIO: No, because they said I needed, I had to go through this.

MR. BABCOCK: Right, normally, Mike, what happens on a variance procedure is if we go there and we do find some minor details that are problems, we don't want them to spend any money fixing the deck in case the zoning board if they were to be denied then they'd

spend money to do it, so, you know, I'm sure somebody's briefed her on that and if she's successful in getting a zoning variance, we'll go and do the inspection.

MR. TORLEY: Are we going to get close to the developmental coverage problem here? See we'll try to cover everything at once. You don't want to do this twice.

MR. BABCOCK: I don't know what it is in the CL Zone, I don't know off the top of my head myself. If you want, we can request that information.

MR. TORLEY: Just we were doing it just to make sure.

MR. KANE: How big is your deck?

MR. BABCOCK: 12 by 24, the deck we're talking about now. No, excuse me, that is the pool.

MR. TORLEY: Looks like we might be getting close to what in other areas is developmental coverage, I just want to make sure she's safe.

MR. KANE: Do you know how big the deck is square footage? The outside dimensions of the deck?

MS. TARSIO: Well, 20 feet by 36 feet.

MR. KANE: How big is the deck that came with the house, 10 by 12, 10 by 14?

MS. TARSIO: It's the decks they put on all the houses.

MR. KANE: That piece of property is 1/3 of an acre which is pretty standard in Butterhill. Not going to hit it, it's very similar to mine, she won't hit it.

MR. TORLEY: I just wanted to make sure there are limitations to how much developmental coverage I want to make. If you are here for this, any other problems we want to take care of at the same time.

MS. TARSIO: Thank you.

MR. NUGENT: Any further questions by the board?
Accept a motion.

MR. TORLEY: Mr. Chairman, I move we set up Miss Tarsio for requested public hearing for requested variances.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE.

MR. KRIEGER: Now, there are certain criteria set forth by the state that the zoning board must consider, they are contained in that paper I have given you. If you would address yourself to those when you make your presentation, that would be helpful. Also, at the time of the public hearing, I would like to look at your deed and title policy, I don't need to have copies, I will give them back to you right at the meeting, I just want to look at them.

MR. KANE: Again, it would be helpful if you have pictures to show us from the different views and different angles of the house.

MR. TORLEY: And you might also wish to speak to some of your nearby neighbors because the letter you're going to send out is not very informative so tell them what's going on so they don't think you're trying to put up a T.V. tower.

MS. TARSIO: I have gotten a lot of letters from my neighbors.

MR. TORLEY: Just so they know what's going on.

MS. TARSIO: Okay, now you wanted the deed and title?

MR. KRIEGER: And the title policy.

MS. BARNHART: It's all listed on there.

January 13, 1997

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MS. TARSIO: Okay, thank you.

4110D-457-187-7

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

(This Page is Part of the Instrument)

Mid-Hudson Associates of
New Windsor
TO
Janine Tario
Maryann Cappelli

SECTION 78 BLOCK 11 LOT 2

RECORD AND RETURN TO:

Alan Axelrod, Esq.
P.O. Box 2575
369 Twickenham Ave
Newburgh, NY 12550

CONTROL NO. 053360 DATE 1-30-82 CHECK ☒ CASH ☐ CHARGE ☐

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove _____
CH22 Chester _____
CO24 Cornwall _____
CR26 Crawford _____
DP28 Deerpark _____
GO30 Goshen _____
GR32 Greenville _____
HA34 Hamptonburgh _____
HK36 Highland _____
MK38 Minisink _____
ME40 Monroe _____
MY42 Montgomery _____
MH44 Mount Hope _____
NT46 Newburgh (T) _____
NW48 New Windsor ☒
TU50 Tuxedo _____
WL52 Walkill _____
WK54 Warwick _____
WA56 Wawayanda _____
WO58 Woodbury _____

MN09 Middletown _____
NC11 Newburgh _____
PJ13 Port Jervis _____
9999 Hold _____

RECEIVED
\$ 518-
REAL ESTATE
TRANSFER TAX
ORANGE COUNTY

ORANGE COUNTY CLERK'S OFFICE S.S.
Recorded on the 12th day of
March 1982 at 9:51
O'Clock 9 M. in Liber 2674
at page 12 and examined.

Marion S. Murphy
County Clerk

Mortgage Amount _____

Exempt Yes ☐ No ☐

Received Tax on above Mortgage

Basic \$ _____

MTA \$ _____

Spec. Add. \$ _____

TOTAL \$ _____

MARION S. MURPHY
Orange County Clerk

by: _____

MORTGAGE TAX \$ _____

TRANSFER TAX \$ 518-

SERIAL NO. _____

RECORD. FEE \$ 12-

REPORT FORMS \$ 5-

CERT. COPIES \$ _____

2674 is 12

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT--THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

RD-33-15510

THIS INDENTURE, made the 30th day of January, nineteen hundred and eighty-seven
BETWEEN

JANINE TARSIO AND
P.O. Box 250
Rock Hill, New York 12775

MARYANN CAPPELLI
12 Cross Street
New Windsor, New York 12550

As Joint Tenants

Second.
party of the first part, and

MID-HUDSON ASSOCIATES OF NEW WINDSOR
P.O. Box 4063
New Windsor, New York 12550

first
party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN

(\$10.00)

dollars,

lawful money of the United States, and other good and valuable consideration paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor, Orange County, New York, being more
particularly described as Lot #185 as shown on a map entitled "Final Subdivision
Plan, Section 7, Butter Hill" and filed in the Orange County Clerk's Office on April
26, 1986 as Map No. 7599.

TOGETHER WITH A RIGHT-OF-WAY over those portions of Guernsey Lane and Guernsey Drive
shown on the above-noted map.

BEING a portion of the premises described in that certain deed dated the 2nd day of
May, 1986 from GEORGE R. KROM, JR. AND DONALD T. KROM to MOONA DEVELOPMENT CO.,
INC., which deed was recorded in the Orange County Clerk's Office on the 28th day of
May, 1986 in Liber 2522 of Deeds at page 119.

BEING and intended to be the same premises described in that certain deed dated the
29th day of January, 1987 from MOONA DEVELOPMENT CO., INC. to MID-HUDSON ASSOCIATES
OF NEW WINDSOR, which deed shall be recorded simultaneously herewith in the Orange
County Clerk's Office.

This deed is given in the usual course of business of the party of the first part
and does not exhaust or substantially deplete the assets of the party of the first
part.

DESCRIPTION

for

Janine Tarsio & Mary Cappelli
Town of New Windsor, Orange County, N.Y.

All that certain piece or parcel of land lying, situate and being in the Town of New Windsor, Orange County, New York, known as Lot No. 185, as shown on a map entitled "Butter Hill Section 7" said map having been filed in the Orange County Clerk's Office on 28 April 1986 as Map No. 7599, being more particularly described as follows:

BEGINNING at a point in the easterly line of Dairy Lane (formerly Guernsey Lane) where said line is intersected by the division line between Lot No. 184 and Lot No. 185 running thence the following courses:

1. Along said division line, N 80° 20' 00" E, 114.53' to a point;
2. Along the division line between Lot No. 185 and Lot No. 198, S 57° 02' 54" E, 59.07' to a point;
3. Along the division line between Lot No. 185 and Parcel No. 198.1, S 9° 40' 00" E, 45.00' to a point;
4. Along the division line between Lot No. 185 and Lot No. 186, S 80° 20' 00" W, 158.00' to a point in the easterly line of Dairy Lane;
5. Along said line, N 9° 40' 00" W, 85.00' to the point or place of BEGINNING.

CONTAINING 12,560 square feet, or 0.29 Acres of land, more or less.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or assigns and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this instrument so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In presence of:

MID-HUDSON ASSOCIATES OF NEW YORK

BY:

Alban Cayum

ALBAN CAYUM

General Partner's Representative